



File Code: 1570

Date: August 4, 2014

Sara Johnson
Director
Native Ecosystem Council
P. O. Box 125
Willow Creek, MT 59760

CERTIFIED MAIL – RETURN
RECEIPT REQUESTED

Dear Ms. Johnson:

This letter is in response to your objection, dated May 23, 2014, on behalf of the Native Ecosystems Council and Alliance for the Wild Rockies regarding the Lost Creek-Boulder Creek Landscape Restoration Project located on the Payette National Forest. I have read your objection and reviewed the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), the content in the project file, as well as considered the comments submitted during the opportunities for public comment for this project. Based on this review, conducted in accordance with 36 CFR 218, I understand the disclosed environmental effects of this project.

The 36 CFR 218 regulations provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific Objections related to the project, and suggests remedies that would resolve the objection (36 CFR 218.8). The regulations also allow, in part, for the parties to meet in order to resolve the Objections (36 CFR 218.11(a)). While a call was held on June 20, 2014, no resolution of objections were forthcoming from it.

I find your objection satisfies the requirements of 36 CFR 218.8. As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the Objections presented in your objection letter. I have considered your Objections and suggested remedies and included my reasons for response to these Objections and suggested remedies, which are detailed below.

Overview of Project

The Lost Creek–Boulder Creek Landscape Restoration Project is analyzing proposed landscape restoration treatment activities in the 80,000 acre area on the New Meadows Ranger District, Payette National Forest. The purpose of the proposed action is as follows:

- 1) Move vegetation toward the desired conditions defined in the Forest Plan and consistent with the science in the Forest's draft Wildlife Conservation Strategy.
- 2) Move all subwatersheds within the project area toward the desired condition for soil, water, riparian, and aquatic resources and improve the Boulder Creek subwatershed from the



“Impaired” category to the “Functioning at Risk” category as described in the Watershed Condition Framework.

3) Manage recreation use in Boulder Creek and in the vicinity of Lost Creek with an emphasis on providing sanitation facilities, identifying and hardening dispersed recreation areas, and developing new trail opportunities.

4) Contribute to the economic vitality of the communities adjacent to the Payette National Forest.

The preferred alternative is Alternative B. This alternative proposes non-commercial and commercial thinning, prescribed burning, watershed improvements such as road closures, road decommissioning, and fish passage improvements, and recreation improvements including ATV/UTV trails and dispersed camping improvements. Alternative B responds to the purpose and need as stated above, and incorporates the recommendations of the Payette Forest Coalition and other concerns expressed in comment letters and public meetings.

Response to Objections & Suggested Remedies

Suggested Remedy

Your suggested remedy is for the forest to withdraw and terminate the project except for the road management.

Objections Not Requiring Further Discussion or Instructions

Objection: *There is no snag habitat management program for the LCBC project area. The existing Forest Plan is clearly incapable of maintaining diversity of wildlife, including those associated with snags. The Forest Plan needs to be amended so that the requirements of NFMA are met.*

Objection: *The analysis fails to adequately address big game (elk) hiding cover, security, habitat effectiveness, winter range and calving habitat.*

Objection: *The agency has failed to meet a number of management requirements which result in violations of the NEPA, the NFMA, the Migratory Bird Treaty Act, the Memorandum of Understanding for migratory birds between the Forest Service and the FWS.*

Objection: *Failure to monitor MIS – There is no monitoring data available for the MIS pileated woodpecker, either in the Project Area or on the Forest. Yet the agency is planning to remove vast amounts of pileated woodpecker habitat in a heavily logged landscape. This is a violation of the NFMA to remove habitat for MIS without knowing the current population trend on the Forest.*

Objection: *The agency is failing to ensure a diversity of wildlife is being maintained ...and current best science is being used, because old growth habitat and snag habitats are not being managed...*

Objection: *Description of the No Action Alternative and Range of Alternatives.*

Objection: *Large complicated documents.*

Response: Based on my review of the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), and the content in the project file, I find these objections/contentions and suggested remedies do not require further discussion or instructions to the Responsible Official for one or more of the following reasons:

- The Forest is in compliance with NEPA, CEQ direction for implementation of NEPA 40 CFR 1500.
- The proposed action complies with NFMA with regard to the analysis of MIS and the Migratory Bird Treaty Act.
- The project complies with the Endangered Species Act.

Objections Requiring Further Discussion or Instructions

Objection: *The agency will violate the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Administrative Procedures Act (APA), and the Endangered Species Act (ESA) by implementing the proposed project as defined in the draft Record of Decision, and the Final Environmental Impact Statement. The agency has misrepresented the purpose and the environmental effects of the project; the claimed purpose to log and burn to promote wildlife habitat is clearly false; this is demonstrated by at least 3 factors: the claimed benefits to the white-headed woodpecker are never[sic]. The agency has mislead the public in regards to both the supported with any evidence; the claims that habitat for many other sensitive wildlife species will be maintained is false; and the claimed benefits of prescribed burning to big game are never supported with any analysis. In addition, the agency is misleading the public in regards to a stated purpose to increase the amount of large tree forest structure as noted in the draft ROD at 34.*

Response: The Forest has completed an analysis of effects for all species noted in the issue including the white-headed woodpecker. There is analysis and monitoring data available in the project record.

Recommendation: I am instructing the Responsible Official to provide one central document that explains how the Forest looked at efficacy (recurring issue throughout objections) and then reference the record or document locations. Place this document in the record. I am also instructing the Responsible Official to clarify analysis of the white-headed woodpecker, and update the literature review. Recent studies have been published from the east Cascades (Washington and/or Oregon) that have documented white-headed woodpeckers nesting in partial cut forests.

Objection: *The agency is failing to maintain habitat and viability of sensitive species and MIS in the project area as is required by the NFMA.*

Response: NFMA requirement for diversity applies to the planning unit (Forest) rather than the Project Area.

Forest Service Manual (FSM 2670) provides direction for reviewing activities through a biological evaluation to determine their potential effect on sensitive species (species identified with potential viability concerns). Through this process, the Forest Service makes a determination of effects, including the significance of those effects. The Payette NF completed the biological evaluation for sensitive wildlife species (Wildlife Specialist Report) and determined that sensitive wildlife species would be beneficially impacted, would not be impacted, or may be impacted by the project actions, but those impacts would not lead toward federal listing, or lead to a loss of viability.

An assessment of wildlife habitat on the Forest was completed in conjunction with the Wildlife Conservation Strategy. This assessment is part of the project record for the WCS DEIS with much of the information presented in the WCS DEIS, including an assessment of sustainability of the sensitive and MIS wildlife species on the Forest. The assessment was based on a set of conservation principles which were also used in the Project wildlife analysis.

Recommendation: I am instructing the Responsible Official to clearly summarize why loss of habitat within the Project Area is not a concern and that the project area would continue to maintain habitat viability to support populations of species on the Forest.

Objection: *The proposed management of the Northern Idaho Ground Squirrel is misleading and fails to address significant problems.*

Response: ESA consultation was completed. The Forests complied with applicable rules; however, the Forest could clarify their analysis of cumulative effects to the Northern Idaho Ground Squirrel in relation to livestock grazing.

Recommendation: I am instructing the Responsible Official to review and clarify the analysis of cumulative effects as it is related to livestock grazing.

Conclusion

The Responsible Official's rationale for this project is clear and the reasons for the project are logical and responsive to direction contained in the Payette National Forest Land and Resource Management Plan. As described above, I made a reasonable and appropriate effort to resolve the concerns that were brought forward while maintaining a balanced approach to managing the lands and meeting the purpose and need of the project.

Once the recommendations set forth in this letter are complete, I am instructing Forest Supervisor Keith Lannom to proceed with issuance of the Record of Decision for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

/s/ George C. Iverson
GEORGE C. IVERSON
Objection Reviewing Officer

cc: Keith Lannom